

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

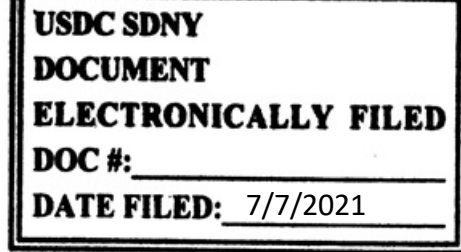
Dino Antolini,

Plaintiff,

-against-

Amy McCloskey et al.,

Defendants.



1:19-cv-09038 (GBD) (SDA)

ORDER

**STEWART D. AARON, UNITED STATES MAGISTRATE JUDGE:**

WHEREAS, on June 19, 2021, the Court Ordered that “if Defendants choose to continue Plaintiff’s deposition, Plaintiff’s deposition shall be concluded no later than July 23, 2021” (6/19/21 Order, ECF No. 184); and

WHEREAS, on June 25, 2021, Defendants served by email a notice to take Plaintiff’s deposition by means of video teleconferencing on Friday, July 9, 2021 (6/25/21 E-Mail & Encl., ECF No. 190-1); and

WHEREAS, Plaintiff’s counsel has not yet confirmed Plaintiff’s attendance at the July 9, 2021 deposition, despite reasonable requests by Defendant’s counsel that he do so<sup>1</sup> (see Defs.’ 7/6/21 Ltr. Mot., ECF No. 190, at 1; 7/6/21 Email, ECF No. 190-2).

NOW, THEREFORE, it is hereby ORDERED that, no later than 12 noon on Thursday, July 8, 2021, Plaintiff’s counsel shall file a letter on the ECF docket either (1) confirming Plaintiff’s attendance at the deposition currently scheduled for July 9, 2021, at 10 a.m.; or (2) showing good cause why Plaintiff’s deposition should not proceed on July 9, 2021, and also providing three

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<sup>1</sup> The Court intends to take the obstructive behavior of Plaintiff’s counsel into account in determining the amount of sanctions to impose upon him pursuant to the Court’s June 19, 2021 Order (ECF No. 184).

alternate dates prior to July 23, 2021. The Court thereafter promptly shall determine if good cause has been shown.

The failure of Plaintiff to appear for his continued deposition may result in the imposition of sanctions up to and including a recommendation by me that his case be dismissed for failure to obey discovery orders pursuant to Federal Rule of Civil Procedure 37(b) and/or failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

**SO ORDERED.**

Dated: New York, New York  
July 7, 2021

A handwritten signature in black ink, appearing to read "Stewart D. Aaron", is written over a horizontal line.

STEWART D. AARON  
United States Magistrate Judge